

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSE ORLANDO RIVERA JR.,

Plaintiff,

-V-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

20-CV-3958 (JMF) (SN)

ORDER

JESSE M. FURMAN, United States District Judge:

By separate Order today, the Court is referring this case to the assigned Magistrate Judge for a report and recommendation on any motion for judgment on the pleadings. In accordance with this District's Standing Order governing challenges to denials of social security benefits (*see In re: Mots. J. Pleadings Social Sec. Cases*, 16-MC-0171), the following briefing schedule applies:

- **Within 90 days of service**, the Commissioner must serve and file the Electronic Certified Administrative Record (e-CAR), which will constitute the Commissioner's answer, or otherwise move against the complaint.
- If Plaintiff wishes to file a motion for judgment on the pleadings, Plaintiff must do so **within 60 days** of the date on which the e-CAR was filed. The motion must contain a full recitation of the relevant facts and a full description of the underlying administrative proceeding.
- The Commissioner must file an answering brief **within 60 days** of the filing of Plaintiff's motion.
- Plaintiff may file a reply **within 21 days** thereafter.

In addition, to conserve resources, to promote judicial efficiency, and in an effort to achieve a faster disposition of this matter, it is hereby ORDERED that the parties must discuss whether they are willing to consent, under 28 U.S.C. § 636(c), to conducting all further


proceedings before the assigned Magistrate Judge.

If both parties consent to proceed before the Magistrate Judge, counsel for Defendant must, **within two weeks of the date on which Defendant enters an appearance**, either mail or email to Furman_NYSDChambers@nysd.uscourts.gov a fully executed Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form, a copy of which is attached to this Order (and also available at <https://nysd.uscourts.gov/node/754>). If the Court approves that form, all further proceedings will then be conducted before the assigned Magistrate Judge rather than before the undersigned.

If either party does not consent to conducting all further proceedings before the assigned Magistrate Judge, the parties must file a joint letter, **within two weeks of the date on which Defendant enters an appearance** advising the Court that the parties do not consent, **but without disclosing the identity of the party or parties who do not consent**. There will be no adverse consequences if the parties do not consent to proceed before the Magistrate Judge.

SO ORDERED.

Dated: May 22, 2020
New York, New York



JESSE M. FURMAN
United States District Judge